

By Senator Altman

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1 A bill to be entitled
2 An act relating to the special risk class; amending s.
3 121.0515, F.S.; revising criteria for membership in
4 the special risk class to include members employed as
5 911 public safety telecommunicators; providing that
6 such a telecommunicator is not eligible for a certain
7 adjustment in his or her monthly retirement benefit;
8 making technical changes; declaring the act fulfills
9 an important state interest; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (h) of subsection (2), subsection (3),
15 and paragraph (d) of subsection (8) of section 121.0515, Florida
16 Statutes, are amended to read:

17 121.0515 Special Risk Class.—

18 (2) MEMBERSHIP.—

19 (h) Effective August 1, 2008, "special risk member"
20 includes any member who meets the special criteria for continued
21 membership set forth in paragraph (3) (k) ~~(3) (j)~~.

22 (3) CRITERIA.—A member, to be designated as a special risk
23 member, must meet the following criteria:

24 (a) Effective October 1, 1978, the member must be employed
25 as a law enforcement officer and be certified, or required to be
26 certified, in compliance with s. 943.1395, except that; however,
27 sheriffs and elected police chiefs are not required to be
28 certified ~~excluded from meeting the certification requirements~~
29 ~~of this paragraph~~. In addition, the member's duties and

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30 responsibilities must include the pursuit, apprehension, and
31 arrest of law violators or suspected law violators; or as of
32 July 1, 1982, the member must be an active member of a bomb
33 disposal unit whose primary responsibility is the location,
34 handling, and disposal of explosive devices; or the member must
35 be the supervisor or command officer of a member or members who
36 have such responsibilities. Administrative support personnel,
37 including, but not limited to, those whose primary duties and
38 responsibilities are in accounting, purchasing, legal, and
39 personnel, are not included;

40 (b) Effective October 1, 1978, the member must be employed
41 as a firefighter and be certified, or required to be certified,
42 in compliance with s. 633.408 and be employed solely within the
43 fire department of a local government employer or an agency of
44 state government with firefighting responsibilities. In
45 addition, the member's duties and responsibilities must include
46 on-the-scene fighting of fires; as of October 1, 2001, fire
47 prevention or firefighter training; as of October 1, 2001,
48 direct supervision of firefighting units, fire prevention, or
49 firefighter training; or as of July 1, 2001, aerial firefighting
50 surveillance performed by fixed-wing aircraft pilots employed by
51 the Florida Forest Service of the Department of Agriculture and
52 Consumer Services; or the member must be the supervisor or
53 command officer of a member or members who have such
54 responsibilities. ~~Administrative support personnel, including,~~
55 ~~but not limited to, those whose primary duties and~~
56 ~~responsibilities are in accounting, purchasing, legal, and~~
57 ~~personnel, are not included.~~ All periods of creditable service
58 in fire prevention or firefighter training, or as the supervisor

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59 or command officer of a member or members who have such
60 responsibilities, and for which the employer paid the special
61 risk contribution rate, are included. Administrative support
62 personnel, including, but not limited to, those whose primary
63 duties and responsibilities are in accounting, purchasing,
64 legal, and personnel, are not included;

65 (c) Effective October 1, 1978, the member must be employed
66 as a correctional officer and be certified, or required to be
67 certified, in compliance with s. 943.1395. In addition, the
68 member's primary duties and responsibilities must include ~~be~~ the
69 custody, and physical restraint if ~~when~~ necessary, of prisoners
70 or inmates within a prison, jail, or other criminal detention
71 facility, or while on work detail outside the facility, or while
72 being transported; or as of July 1, 1984, the member must be the
73 supervisor or command officer of a member or members who have
74 such responsibilities. Administrative support personnel,
75 including, but not limited to, those whose primary duties and
76 responsibilities are in accounting, purchasing, legal, and
77 personnel, are not included; however, wardens and assistant
78 wardens, as defined by rule, are included;

79 (d) Effective October 1, 1999, the member must be employed
80 by a licensed Advance Life Support (ALS) or Basic Life Support
81 (BLS) employer as an emergency medical technician or a paramedic
82 and be certified in compliance with s. 401.27. In addition, the
83 member's primary duties and responsibilities must include on-
84 the-scene emergency medical care or as of October 1, 2001,
85 direct supervision of emergency medical technicians or
86 paramedics, or the member must be the supervisor or command
87 officer of one or more members who have such responsibility.

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88 Administrative support personnel, including, but not limited to,
89 those whose primary responsibilities are in accounting,
90 purchasing, legal, and personnel, are not included;

91 (e) Effective January 1, 2001, the member must be employed
92 as a community-based correctional probation officer and be
93 certified, or required to be certified, in compliance with s.
94 943.1395. In addition, the member's primary duties and
95 responsibilities must be the supervised custody, surveillance,
96 control, investigation, and counseling of assigned inmates,
97 probationers, parolees, or community controllees within the
98 community; or the member must be the supervisor of a member or
99 members who have such responsibilities. Administrative support
100 personnel, including, but not limited to, those whose primary
101 duties and responsibilities are in accounting, purchasing, legal
102 services, and personnel management, are not included; however,
103 probation and parole circuit and deputy circuit administrators
104 are included;

105 (f) Effective January 1, 2001, the member must be employed
106 in one of the following classes and must spend at least 75
107 percent of his or her time performing duties that ~~which~~ involve
108 contact with patients or inmates in a correctional or forensic
109 facility or institution:

- 110 1. Dietitian (class codes 5203 and 5204);
- 111 2. Public health nutrition consultant (class code 5224);
- 112 3. Psychological specialist (class codes 5230 and 5231);
- 113 4. Psychologist (class code 5234);
- 114 5. Senior psychologist (class codes 5237 and 5238);
- 115 6. Regional mental health consultant (class code 5240);
- 116 7. Psychological Services Director—DCF (class code 5242);

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- 117 8. Pharmacist (class codes 5245 and 5246);
118 9. Senior pharmacist (class codes 5248 and 5249);
119 10. Dentist (class code 5266);
120 11. Senior dentist (class code 5269);
121 12. Registered nurse (class codes 5290 and 5291);
122 13. Senior registered nurse (class codes 5292 and 5293);
123 14. Registered nurse specialist (class codes 5294 and
124 5295);
125 15. Clinical associate (class codes 5298 and 5299);
126 16. Advanced registered nurse practitioner (class codes
127 5297 and 5300);
128 17. Advanced registered nurse practitioner specialist
129 (class codes 5304 and 5305);
130 18. Registered nurse supervisor (class codes 5306 and
131 5307);
132 19. Senior registered nurse supervisor (class codes 5308
133 and 5309);
134 20. Registered nursing consultant (class codes 5312 and
135 5313);
136 21. Quality management program supervisor (class code
137 5314);
138 22. Executive nursing director (class codes 5320 and 5321);
139 23. Speech and hearing therapist (class code 5406); or
140 24. Pharmacy manager (class code 5251);
141 (g) Effective October 1, 2005, through June 30, 2008, the
142 member must be employed by a law enforcement agency or medical
143 examiner's office in a forensic discipline recognized by the
144 International Association for Identification and must qualify
145 for active membership in the International Association for

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146 Identification. The member's primary duties and responsibilities
147 must include the collection, examination, preservation,
148 documentation, preparation, or analysis of physical evidence or
149 testimony, or both, or the member must be the direct supervisor,
150 quality management supervisor, or command officer of one or more
151 individuals with such responsibility. Administrative support
152 personnel, including, but not limited to, those whose primary
153 responsibilities are clerical or in accounting, purchasing,
154 legal, and personnel, are not included;

155 (h) Effective July 1, 2008, the member must be employed by
156 the Department of Law Enforcement in the crime laboratory or by
157 the Division of State Fire Marshal in the forensic laboratory in
158 one of the following classes:

- 159 1. Forensic technologist (class code 8459);
- 160 2. Crime laboratory technician (class code 8461);
- 161 3. Crime laboratory analyst (class code 8463);
- 162 4. Senior crime laboratory analyst (class code 8464);
- 163 5. Crime laboratory analyst supervisor (class code 8466);
- 164 6. Forensic chief (class code 9602); or
- 165 7. Forensic services quality manager (class code 9603);

166 (i) Effective July 1, 2008, the member must be employed by
167 a local government law enforcement agency or medical examiner's
168 office and must spend at least 65 percent of his or her time
169 performing duties that involve the collection, examination,
170 preservation, documentation, preparation, or analysis of human
171 tissues or fluids or physical evidence having potential
172 biological, chemical, or radiological hazard or contamination,
173 or use chemicals, processes, or materials that may have
174 carcinogenic or health-damaging properties in the analysis of

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175 such evidence, or the member must be the direct supervisor of
176 one or more individuals having such responsibility. If a special
177 risk member changes to another position within the same agency,
178 he or she must submit a complete application as provided in
179 paragraph (4) (a);

180 (j) Effective July 1, 2016, the member must be employed as
181 a 911 public safety telecommunicator certified under s. 401.465.
182 However, such telecommunicators are not eligible for the
183 adjustment in the monthly retirement benefit provided pursuant
184 to s. 121.091(1) (a) 2.; or

185 (k) ~~(j)~~ The member must have already qualified for and be
186 actively participating in special risk membership under
187 paragraph (a), paragraph (b), or paragraph (c), must have
188 suffered a qualifying injury as defined in this paragraph, must
189 not be receiving disability retirement benefits as provided in
190 s. 121.091(4), and must satisfy the requirements of this
191 paragraph.

192 1. The ability to qualify for the class of membership
193 defined in paragraph (2) (h) occurs when two licensed medical
194 physicians, one of whom is a primary treating physician of the
195 member, certify the existence of the physical injury and medical
196 condition that constitute a qualifying injury as defined in this
197 paragraph and that the member has reached maximum medical
198 improvement after August 1, 2008. The certifications from the
199 licensed medical physicians must include, at a minimum, that the
200 injury to the special risk member has resulted in a physical
201 loss, or loss of use, of at least two of the following: left
202 arm, right arm, left leg, or right leg; and that:

203 a. The ~~That this~~ physical loss or loss of use is total and

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204 permanent, unless ~~except~~ if the loss of use is due to a physical
205 injury to the member's brain, in which event the loss of use is
206 permanent with at least 75 percent loss of motor function with
207 respect to each arm or leg affected.

208 b. The ~~That this~~ physical loss or loss of use renders the
209 member physically unable to perform the essential job functions
210 of his or her special risk position.

211 c. ~~That,~~ Notwithstanding this physical loss or loss of use,
212 the individual can perform the essential job functions required
213 by the member's new position, as provided in subparagraph 3.

214 d. ~~That~~ Use of artificial limbs is not possible or does not
215 alter the member's ability to perform the essential job
216 functions of the member's position.

217 e. ~~That~~ The physical loss or loss of use is a direct result
218 of a physical injury and not a result of any mental,
219 psychological, or emotional injury.

220 2. For the purposes of this paragraph, "qualifying injury"
221 means an injury sustained in the line of duty, as certified by
222 the member's employing agency, by a special risk member that
223 does not result in total and permanent disability as defined in
224 s. 121.091(4)(b). An injury is a qualifying injury if the injury
225 is a physical injury to the member's physical body resulting in
226 a physical loss, or loss of use, of at least two of the
227 following: left arm, right arm, left leg, or right leg.
228 Notwithstanding any other provision of this section, an injury
229 that would otherwise qualify as a qualifying injury is not
230 ~~considered~~ a qualifying injury if and when the member ceases
231 employment with the employer for whom he or she was providing
232 special risk services on the date the injury occurred.

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233 3. The new position, as described in sub-subparagraph 1.c.,
234 which ~~that~~ is required for qualification as a special risk
235 member under this paragraph is not required to be a position
236 with essential job functions that entitle an individual to
237 special risk membership. Whether a new position as described in
238 sub-subparagraph 1.c. exists and is available to the special
239 risk member is a decision to be made solely by the employer in
240 accordance with its hiring practices and applicable law.

241 4. This paragraph does not grant or create additional
242 rights for any individual to continued employment or to be hired
243 or rehired by his or her employer that are not already provided
244 by state law ~~within the Florida Statutes~~, the State
245 Constitution, the Americans with Disabilities Act, if
246 applicable, or any other ~~applicable state or~~ federal law.

247 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

248 (d) Notwithstanding any other provision of this subsection,
249 this subsection does not apply to any special risk member who
250 qualifies for continued membership pursuant to paragraph (3) (k)
251 ~~(3) (j)~~.

252 Section 2. The Legislature finds that a proper and
253 legitimate state purpose is served when employees and retirees
254 of the state and its political subdivisions, and the dependents,
255 survivors, and beneficiaries of such employees and retirees, are
256 extended the basic protections afforded by governmental
257 retirement systems. These persons must be provided benefits that
258 are fair and adequate and are managed, administered, and funded
259 in an actuarially sound manner, as required by s. 14, Article X
260 of the State Constitution and part VII of chapter 112, Florida
261 Statutes. Therefore, the Legislature determines and declares

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262 that this act fulfills an important state interest.

263 Section 3. This act shall take effect July 1, 2015.